

**Town of Mashpee
Annual Town Meeting
Mashpee High School
Monday, October 21, 2013**

**Town Meeting convened at 7:10 PM
Voters Present 191
Quorum 0**

Barnstable, ss:

Greetings to the Constables of the Town,

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and summon the inhabitants of the Town of Mashpee who are qualified to vote in the elections to meet at the Mashpee High School on Monday, the 21st day of October 2013 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant.

Article 1

To see if the Town will vote to appropriate and transfer from various Road Project Accounts the sum of \$752,074.26 to the DPW Road/Parking Lot Reconstruction Account, said funds to be expended under the direction of the Board of Selectmen, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: If approved, bond proceeds from various private to public road conversion projects that were completed below the estimated construction cost would be transferred to the road construction/parking lot account for projects currently proposed under our capital improvement project or DPW Road Inventory, but not funded. Chapter 44, Section 20 of the Massachusetts General Laws allows, by Town Meeting vote, reauthorization of bond proceeds for a similar purpose.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 5-0; 2 absent.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to appropriate and transfer \$752,074.26 from various Road Project Accounts to the DPW Road/Parking lot Reconstruction Account, with said funds to be expended under the direction of the Board of Selectmen.

Motion passes unanimously at 7:11 PM.

Article 2

To see if the Town will vote to appropriate and transfer from available funds the sum of \$41,500 to fund the settlement for the Administrator's Contract Units A, B, C effective July 1, 2013, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: If approved this article would provide funding for a cost of living adjustment for those employees who fall under the labor contract between the Town and Massachusetts Laborers' District Council of the Laborers' International Union of North America Units A, B and C.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 5-0; 2 absent.

Motion made by Selectman Michael Richardson

Motion: I move the Town vote to appropriate and transfer from the Overlay Surplus Account \$41,500 to fund the settlement for the Administrator's Contract Units A, B, and C effective July 1, 2013, with said funds to be distributed to various salary line items by the Town Accountant.

Motion passes unanimously at 7:12 PM.

Article 3

To see if the Town will vote to appropriate and transfer from available funds the sum of \$26,850 to fund the settlement for the SEIU, Local 888, AFL CIO, Public Works Unit effective July 1, 2013, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: If approved this article would provide funding for a cost of living adjustment for those employees who fall under the labor contract between the Town and SEIU, Local 888, AFL CIO, Public Works Unit.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 5-0; 2 absent.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to appropriate and transfer from the Overlay Surplus Account \$26,850 to fund the settlement for the SEIU, Local 888, AFL CIO, Public Works Unit effective July 1, 2013, with said funds to be distributed to various salary line items by the Town Accountant.

Motion passes unanimously at 7:13 PM.

Article 4

To see if the Town will vote to appropriate and transfer from available funds the sum of \$20,500 to fund the settlement for the SEIU, Local 888, AFL CIO, Clerical Unit effective July 1, 2013, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: If approved this article would provide funding for a cost of living adjustment for those employees who fall under the labor contract between the Town and SEIU, Local 888, AFL CIO, Clerical Unit.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 5-0; 2 absent.

Motion made by Selectman Wayne Taylor.

Motion: I move the Town vote to appropriate and transfer from the Overlay Surplus Account \$20,500 to fund the settlement for the SEIU, Local 888, AFL CIO, Clerical Unit effective July 1, 2013, with said funds to be distributed to various salary line items by the Town Accountant.

Motion passes unanimously at 7:14 PM.

Article 5

To see if the Town will vote to appropriate and transfer from available funds the sum of \$23,585 to fund the Personnel Administration Plan (P.A.P.) Appendix B and Appendix C employees and the Plumbing and Wiring Inspectors effective July 1, 2013, and to fund Special Service Contracts, with said funds to be distributed to various salary items by the Town Accountant, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: If approved this article would provide funding for a cost of living adjustment for those employees who fall under the Town's Personnel Administration Plan and Special Contracts.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 5-0; 2 absent.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to appropriate and transfer from the Overlay Surplus Account \$23,585 to fund the Personnel Administrative Plan (P.A.P.) Appendix B and Appendix C employees and the Plumbing and Wiring Inspectors effective July 1, 2013, and to fund Special Service Contracts, with said funds to be distributed to various salary items by the Town Accountant.

Motion passes unanimously at 7:16 PM.

Article 6

To see if the Town will vote to hire and equip one fulltime Police Officer and, for said purpose, vote to appropriate and transfer from available funds the sum of \$43,737 to the Patrolmen's Salary Account, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This additional Police Officer position will allow the Chief of Police to assign an officer to perform School Resource Officer duties without creating a void in current police operations.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 6-0; 1 absent.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to hire and equip one fulltime Police Officer and for said purpose, the Town vote to appropriate and transfer \$43,737 from the Overlay Surplus Account to the Patrolmen's Salary Account.

Motion passes at 7:30 PM.

Article 7

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$265,000 to provide for the repair and protection of the parking lot at South Cape Beach, or take any other action relating thereto.

Submitted by the Department of Public Works

Explanation: This article will fund repair of the parking lot at South Cape Beach damaged by storms over the years, most recently by Hurricane Sandy in 2012. It will also fund installation of protective measures along the seaward face of the parking lot, as approved by the Conservation Commission, to help prevent future damage.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 5-0; 2 absent.

Motion made by Selectman Michael Richardson.

Motion: I move the Town vote to appropriate and transfer \$71,670 from the Overlay Surplus Account and \$193,330 from Revenue Available for Appropriation, for a total of \$265,000 to the South Cape Beach Repair/Protection Account.

Motion passes 7:31 PM.

Article 8

To see if the Town will vote to appropriate and transfer to reserve, pursuant to the provisions of M.G.L. Chapter 44B, §6, the following amounts from the FY2014 estimated Community Preservation revenues:

\$146,220	10% for Open Space/Recreational Purposes
\$146,220	10% for Historic Preservation Purposes
\$146,220	10% for Affordable Housing Purposes
\$1,023,543	To the FY2014 Community Preservation Fund Budgeted Reserve as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: This annual article would set aside 10% of the estimated Community Preservation Funds as required for Open Space/Recreation Purposes, Historic Preservation Purposes and Affordable Housing Purposes.

The Community Preservation Committee voted unanimously 8-0 to approve the 10% Reserves and Budgeted Reserve to be available for use in Fiscal Year 2014 to be certified by the Town Accountant, and reflected in the FY2014 CP-1. The current 10% reserves estimate is \$146,220 per category and the estimated budgeted reserve is \$1,023,543 considering a 26% state match. The figure will be modified slightly, upon certification of the funds.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 5-0; 2 absent.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote, pursuant to the provisions of M.G.L. Chapter 44B, §6, to reserve from the FY2014 estimated Community Preservation revenues, \$146,220 for Open Space/Recreational purposes, \$146,220 for Historic Preservation purposes, \$146,220 for Affordable Housing purposes, and \$1,023,543 to the FY2014 Community Preservation Fund Budgeted Reserve.

Motion passes unanimously at 7:35 PM.

Article 9

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund 10% Historic Reserve, in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$115,000 for the purpose of funding Phase II of the Community Park Redevelopment Project, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The goal of the project is to complete the Community Park Redevelopment Project located on Town-owned land at 13 Great Neck Road North across from the Mashpee Town Hall. In May of 2013, Town Meeting voted to approve Phase I of the Community Park project in the amount of \$235,000. The second phase will include handicap restroom facilities located at the Archives building with a separate egress for community use. The Community Park connects to the Veterans Garden, the Archives and the historic One Room Schoolhouse. With CPA funding, the project is anticipated to be fully constructed for use by the summer of 2014.

The vote of the Community Preservation Committee was unanimous, 8-0, to approve the Community Park Redevelopment Project, Phase II.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 5-0; 2 absent.

Motion made by Selectman Wayne Taylor.

Motion: I move the Town vote to appropriate and transfer from the Community Preservation Fund in accordance with the provisions of M.G.L. Chapter 44B, §5 as follows: \$115,000 from the Historic Reserves, for the purpose of funding Phase II of the Community Park Redevelopment Project, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

Motion passes unanimously at 7:36 PM.

Article 10

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund Budgeted Reserve, in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$650,000 for the purpose of conducting the Great River Boat Ramp Improvement Project, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: Funding from the Community Preservation Budgeted Reserve would improve the Great River Boat Ramp by completely reconstructing the ramp and landing, the pier and attached floating docks. The new pier/dock would be handicap accessible and constructed of durable, light-

weight maintenance free aluminum which would emit light to promote eelgrass growth and shellfish habitat. The project, which requires engineering and design, includes the reconstruction and enlargement of the parking lot with improved drainage, and bio-retention to prevent discharge into the waterways. Included in the project funding request is the resurfacing of the road area. The Great River Boat Ramp is the only public launch facility on the Waquoit side of the bay, and it is used on a year-round basis by recreational boaters and fishermen.

The vote of the Community Preservation Committee was unanimous 8-0 to approve the Great River Boat Ramp Improvement Project.

Board of Selectmen does not recommend approval by a vote of 4-1.

Finance Committee does not recommend approval by a vote of 3-2; 2 absent.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to appropriate and transfer from the Community Preservation Fund in accordance with the provisions of M.G.L. Chapter 44B, §5 as follows: \$650,000 from the Budgeted Reserves, for the purpose of funding the Great River Boat Ramp Improvement Project, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

Motion passes at 7:38 PM.

Article 11

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund the sum of \$326,000, as follows: \$100,000 from the 10% Open Space Recreation Reserves and \$226,000 from the Budgeted Reserve, in accordance with the provisions of M.G.L. Chapter 44B §5, for the purpose of funding the Johns Pond Beach Improvement Project, including any necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The project will improve the recreational facilities at the beach for year-round use. The Johns Pond project includes the reconstruction and enlargement of the parking area to accommodate a storage building with permanent restrooms. Improvements will allow for the purchase of playground equipment and the construction of a picnic pavilion. Benches, picnic tables, grills and bicycle racks are also included as site furnishings.

The Community Preservation Committee voted unanimously 8-0 to approve the Johns Pond Improvement Project.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 5-0; 2 absent.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to appropriate and transfer from the Community Preservation Fund in accordance with the provisions of M.G.L. Chapter 44B, §5, as follows: \$100,000 from the Open Space Recreation Reserves and \$226,000 from the Budgeted Reserves for a total of \$326,000, for the purpose of funding the Johns Pond Beach Improvement Project, including any necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

Motion passes unanimously at 7:40 PM.

Article 12

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund 10% Open Space/Recreation Reserves, in accordance with the provisions of M.G.L. Chapter 44B §5, the sum of \$17,800 for the purpose of funding the re-build and rehabilitation of the outdoor basketball court at the Boys & Girls Club in Mashpee, including any necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The article seeks funding to allow for the leveling and re-paving of the outdoor basketball court at the Boys & Girls Club. The project includes the replacement of the backboards and two outside lights to allow for night use. When not used by the Boys & Girls Club during normal hours, the courts are available for public use. The Boys & Girls Club served 639 Mashpee children and teens, approximately 37% of the Mashpee school population last year. The Boys & Girls Club is located on Town-owned land. The 2012 amendment to the CPA has broadened the scope of the law to allow for the rehabilitation of existing, outdoor recreational facilities.

The Community Preservation Committee voted unanimously 8-0 to approve the Boys & Girls Club Outdoor Basketball Court project.

The Community Preservation Committee re-voted unanimously 7-0 to approve the Boys & Girls Club Outdoor Basketball Court project.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 4-1; 2 absent.

Motion made by Selectman Michael Richardson.

Motion: I move the Town vote to appropriate and transfer from the Community Preservation Fund in accordance with the provisions of M.G.L. Chapter 44B, §5, as follows: \$17,800 from the Open Space Recreation Reserves, for the purpose of funding the re-build and rehabilitation of the outdoor basketball court at the Boys & Girls Club in Mashpee, including any necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

Motion passes unanimously at 7:41 PM.

Article 13

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund the sum of \$114,490, pursuant to the provisions of M.G.L., Chapter 44B §5, as follows: \$7,465 from the 10% Open Space/Recreational Reserves and \$107,025 from the Budgeted Reserve, for the purpose of funding the Shellfish Propagation/Estuary Project in 2014 including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The goal of this project is to restore shellfish populations, and reduce eutrophication in the estuaries. This is a continuation of the project started in May of 2013 with tray construction and the purchase of oyster and quahog seed. Specifically, 2,000 oyster seed and 6,000,000 quahog seed would be purchased. CPA funding includes necessary growing equipment including surveillance cameras, and the use of waterways assistants to monitor and record accurate harvest data. In addition to the recreational benefits of the project, nitrogen reduction would be achieved to restore water quality in the estuaries. The project is consistent with the Town's Local Comprehensive Plan.

The Community Preservation Committee voted unanimously 7-0 to approve the Shellfish Propagation/Estuary Project 2014.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 5-0; 2 absent.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to appropriate and transfer from the Community Preservation Fund in accordance with the provisions of M.G.L. Chapter 44B, §5, as follows: \$7,465 from the Open Space/Recreation Reserves and \$107,025 from the Budgeted Reserves, for the purpose of funding the Shellfish Propagation/Estuary Project in 2014, including any necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

Motion passes unanimously at 7:42 PM.

Article 14

To see if the Town will vote to create the Library Revolving Account through the Town Accountant in accordance with M.G.L., Chapter 44, Section 53E½, to be expended under the direction of the Library Trustees, said Account to be funded by anticipated revenues collected from fines and fees which shall be used to further the operation of Library programs and services, and to establish the limit on expenditures from said Account at \$15,000 for FY2014, or take any other action relating thereto.

Submitted by the Library Board of Trustees

Explanation: The establishment of this revolving account is required in order to receive and disburse funds generated through Library services to fund such expenditures as the purchase of supplies and Library materials and program expenses. Departmental revenues will be used to offset expenses related to these programs.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee does not recommend approval by a vote of 3-2; 2 absent.

Motion made by Selectman Wayne Taylor.

Motion: I move the town vote to create the Library Revolving Account through the Town Accountant in accordance with M.G.L. Chapter 44, Section 53E½, to be expended under the direction of the Library Trustees, said Account to be funded by anticipated revenues collected from fines and fees which shall be used to further the operation of Library programs and services, and to establish the limit on expenditures from said Account for FY2014 at \$15,000.

Motion passes at 7:49 PM.

Article 15

To see if the Town will vote to amend the provisions of General Bylaw Chapter 6, Article II, §6-2, relative to procurement of Contracts, by adding the following language after the first sentence thereof:

“In accordance with the provisions of §12(b) of said Chapter 30B, all such contracts may, in the discretion of the Town body or officer authorized to award same, be entered into for a period of up to five years, including any renewal, extension or option related thereto,”

or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: If approved this article will give the Board of Selectmen or other authorized officer the flexibility to enter into supply or service contracts for a period of up to five years rather than the three years currently allowed under Town Bylaws.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 5-0; 2 absent.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to amend the provisions of General Bylaw Chapter 6, Article II, §6-2, relative to procurement of Contracts, by adding the following language after the first sentence thereof:

“In accordance with the provisions of §12(b) of said Chapter 30B, all such contracts may, in the discretion of the Town body or officer authorized to award same, be entered into for a period of up to five years, including any renewal, extension or option related thereto.”

Motion passes at 7:50 PM.

Article 16

To see if the Town will vote that those parcels shown on the FY2013 Mashpee Assessors' Maps as Map 69, Block 18 (108 Orchard Road) and Map 69, Block 6 (68 Strawberry Avenue) shall not be held by the Town as conservation land; and further, vote that said parcels shall be transferred from the care and custody of the Custodian of Tax Foreclosed Property to the Board of Selectmen for the purposes of donation or sale to an entity or entities engaged in the development of affordable housing for sale or rental to persons of low or very low income within the meaning of the Housing Act of 1937, and qualifying for listing in the affordable housing inventory maintained by the Massachusetts Department of Housing and Community Development under G.L. Chapter 40B, with such transfer to be made subject to such terms as the Selectmen deem appropriate, including a permanent deed restriction, which may contain a reverter clause, permanently restricting the sale or resale price, or rental cost of any homes or apartments constructed on said parcels to no more than that considered affordable for persons of low income as defined by the U.S. Department of Housing and Urban Development and qualified for continued listing in the above affordable housing inventory; and, further, to authorize the Board of Selectmen to make use of any other instrumentalities of the Town or other agencies and to enter into any agreements necessary to effect the transfer and restriction of such land in accordance with this Article, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: Approval of this article would authorize the Board of Selectmen to transfer title of two parcels of land identified as 108 Orchard Road and 68 Strawberry Avenue, previously taken by the Town for non-payment of taxes, to persons or agencies that would construct affordable homes or apartments. The lots would be developed with the approval of the Board of Selectmen pursuant to a Request for Proposals from interested affordable housing providers, as was done with a number of lots previously deeded by the Town to Habitat for Humanity, and would be permanently restricted for use for affordable housing.

Board of Selectmen recommends approval by a vote of 5-0.

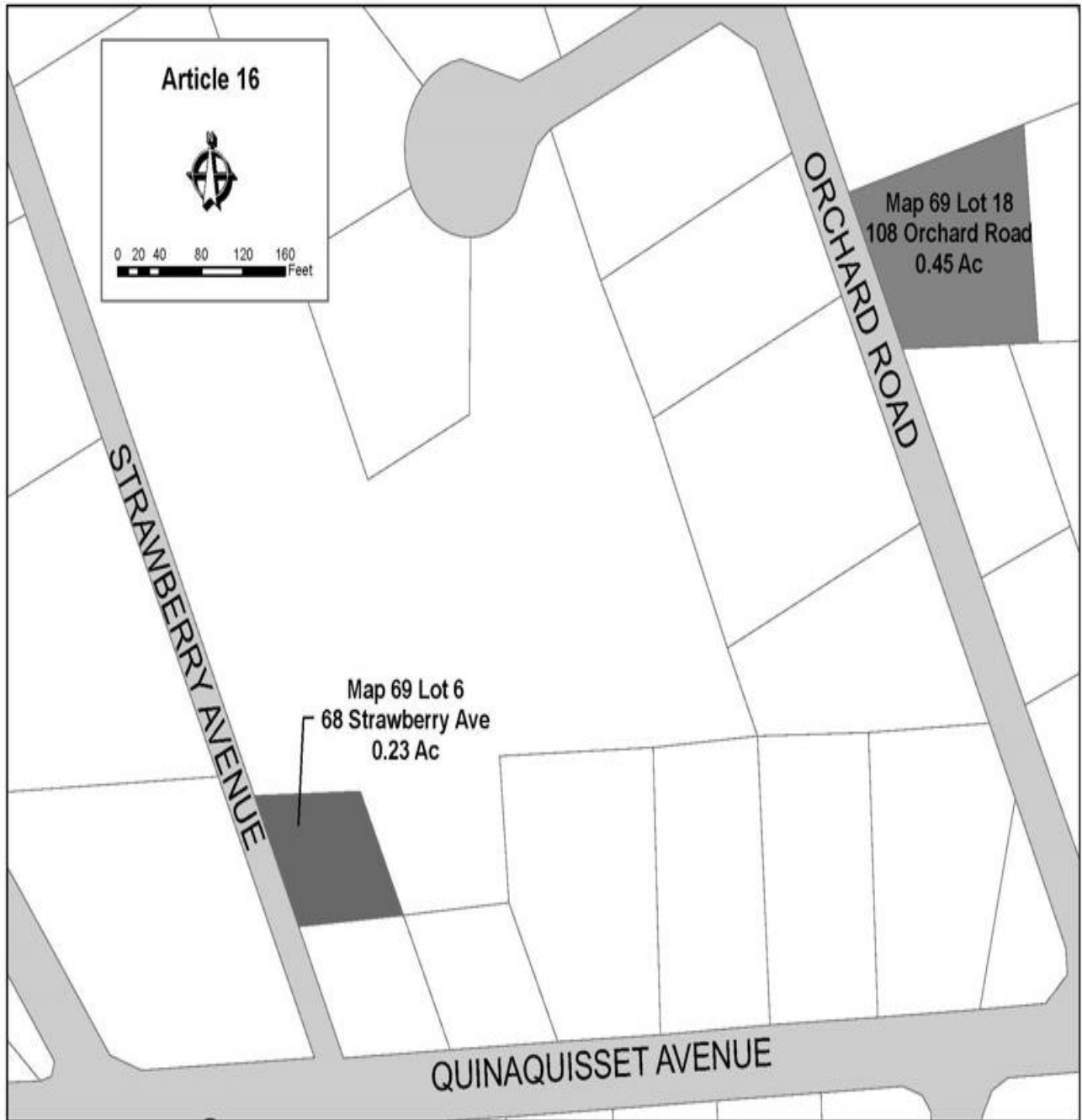
Finance Committee recommends approval by a vote of 5-0; 2 absent.

Motion made and seconded to dispense with reading of article at 7:51 PM.

Motion made by Selectman John Cahalane.

Motion: I move Article 16 be approved as printed in the Warrant, with the exception of the phrase “or take any other action relating thereto.”

Motion passes by 2/3rd vote at 7:53 PM.



Article 17

To see if the Town will vote to transfer the custody and control of a parcel of land shown on the FY2013 Mashpee Assessors' Maps as Map 44, Block 2, containing approximately 5.8 acres, to the care and custody of the Conservation Commission, pursuant to M.G.L., Chapter 40, Section 8C, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: Approval of this article would transfer a parcel of land identified as 147 Lovell's Lane to the care and custody of the Conservation Commission.

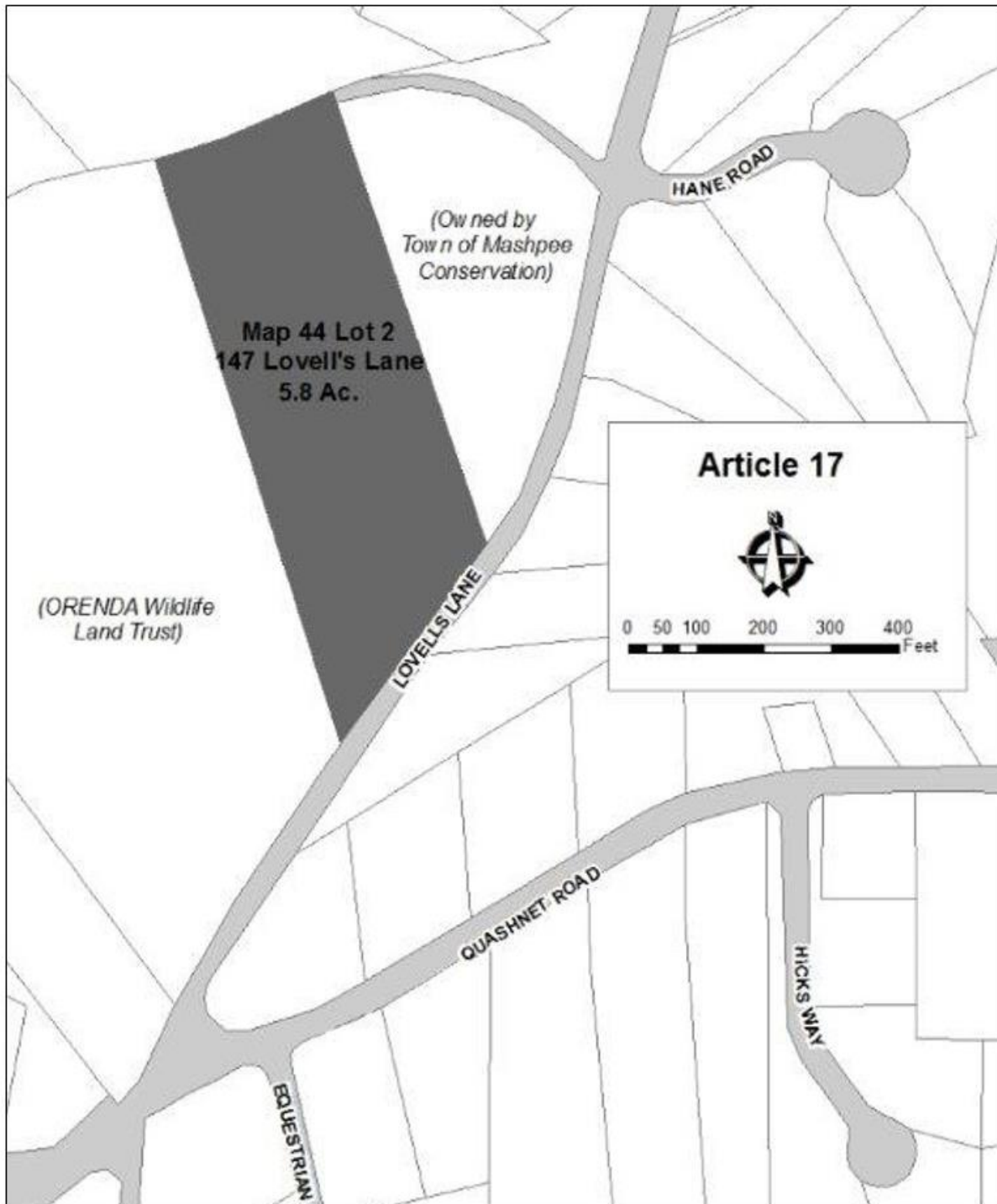
Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 5-0; 2 absent.

Motion made by Selectman Michael Richardson.

Motion: I move Article 17 be approved as printed in the Warrant, with the exception of the phrase "or take any other action relating thereto."

Motion passes unanimously at 7:54 PM.



Article 18

To see if the Town will vote to accept the layout of Market Street from its current terminus in Mashpee Commons southward to Job's Fishing Road, as more particularly shown on the layout plan filed with the Town Clerk, as a private way open to public travel; to authorize the Board of Selectmen to acquire an easement securing such rights of public travel in accordance with the provisions of G.L., Chapter 82, §24; and to authorize the Town Manager to apply for State grants or funding, including a MassWorks Infrastructure Program grant, to defray the costs and expenses of the design and construction of said way, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article, if approved, will authorize the Board of Selectmen to acquire an easement over the proposed extension of Market Street, and authorize the Town to apply for and accept grant funding for the costs associated with the design and construction of the proposed way.

Board of Selectmen recommends approval by a vote of 5-0.

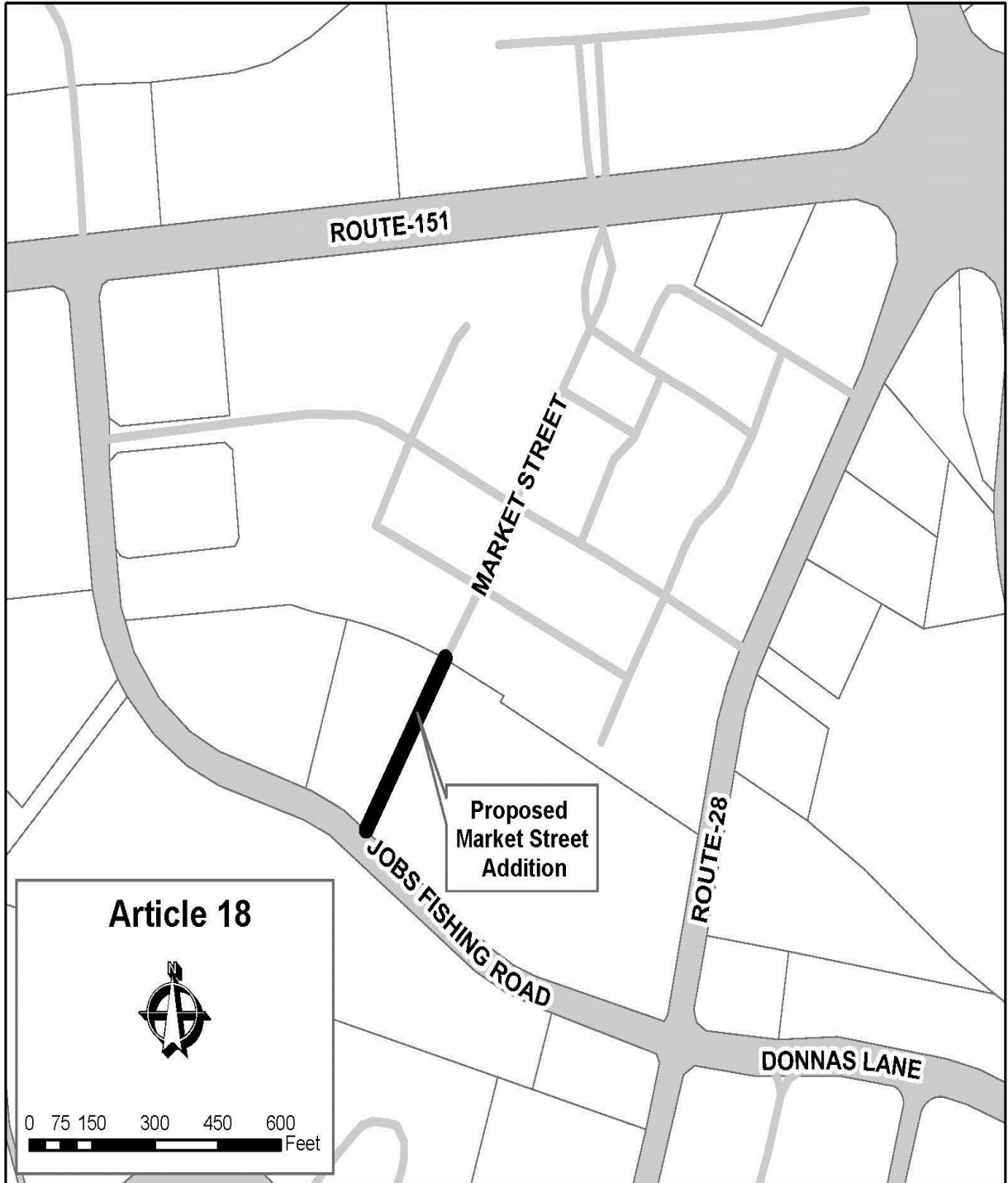
Finance Committee recommends approval by a vote of 4-0; 1 abstention; 2 absent.

At its meeting on October 2, 2013, the Planning Board voted 3-0 to recommend approval of Article 18 as printed in the warrant.

Motion made by Selectman Thomas O'Hara.

Motion: I move Article 18 be approved as printed in the Warrant, with the exception of the phrase "or take any other action relating thereto."

Motion passes unanimously at 7:58 PM.



Article 19

To see if the Town will vote to amend the Zoning Bylaw as follows:

Amend the first sentence of Subsection 174-45.B. to read as follows: “Unless such facility will be serviced by a public sewer system or by some other wastewater treatment system approved by the Planning Board and Board of Health which is designed to achieve total nitrogen of 5 mg/l or less in system effluent, the following land area shall be required for such facilities:”

or take any other action relating thereto.

Submitted by the Planning Board

Explanation: This article clarifies the intent of Subsection 174-45.B., which deals with wastewater treatment requirements for Motels, Hotels, Hospitals, Infirmaries, Nursing Homes, Convalescent Homes, Congregate Care or Assisted Living Facilities and Similar Uses, by changing the phrase “private wastewater treatment plants”, which is not defined but implies a large facility, to the broader term “other wastewater treatment system”, to allow for new technologies and smaller facilities.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 5-0; 2 absent.

At its meeting on October 2, 2013, the Planning Board voted 3-0 to recommend approval of Article 19 as printed in the warrant.

Motion made by Selectman Wayne Taylor.

Motion: I move Article 19 be approved as printed in the Warrant, with the exception of the phrase “or take any other action relating thereto.”

Motion passes unanimously at 8:00 PM.

Article 20

To see if the Town will vote to amend the Zoning Bylaw as follows:

Amend Subsection 2 of Section 174-25.1 to read as follows:

“2. No building shall exceed 20,000 sq. ft. of gross first floor area, except that a Congregate Care or Assisted Living Facility of two stories or less shall not exceed 50,000 sq. ft. of gross first floor area.”

Or take any other action relating thereto.

Submitted by the Planning Board

Explanation: This article would allow a Congregate Care or Assisted Living Facility of two stories or less, but no other uses, to have a first floor area of up to 50,000 gross sq. ft. in the C-3 zoning district. Such facilities are required to have a minimum of 50 ft. of wooded buffer along all property lines and set aside 50% of the site as undisturbed open space in its natural state.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 5-0; 2 absent.

At its meeting on October 2, 2013, the Planning Board voted 3-0 to recommend approval of Article 20, provided that the phrase “two (2) stories or less” as printed in the warrant be amended to read “less than two (2) stories.

Motion made by Selectman Carol Sherman.

Motion: I move Article 20 be approved as printed in the Warrant, with the exception of the phrase “or take any other action relating thereto.”

Motion made to amend article to read “less than two (2) stories”.

Motion to amend article passes at 8:12 PM.

Amended motion passes by 2/3rd vote at 8:14

Article 21

To see if the Town will vote to amend the Zoning Bylaw as follows:

Amend Section 174-46. Open Space Incentive Development (OSID) by amending the first sentence of Subsection D to read as follows:

“D. Incentive Bonus and Affordable Housing Provisions. In order to encourage the preservation of critical open space and natural resource areas within the Town of Mashpee for the benefit of the inhabitants of the Town, as well as to provide affordable housing, certain increases in density of residential units within an open space incentive development may be allowed in accordance with M.G.L., Chapter 40A, §9.”

And by adding the following new Subsection 174-46.D.(6):

“(6) Required Affordable Housing – Of the total residential units allowed and constructed in the project after application of the above bonus calculations, at least ten (10) percent of such units shall be a permanently deed-restricted unit meeting the low-income affordability requirements of M.G.L., Chapter 40B as it existed on October 21, 2013. For each of said units so restricted, one (1) additional bonus unit may also be created, which will become available for construction upon completion and sale of each of said deed-restricted units, or upon the donation of, and recording of a deed to, such deed-restricted unit to the Town or to the public or non-profit housing agency,

organization or trust. Such permanently deed-restricted affordable units shall not be subject to the growth management provisions of Section 174-26.”

And by amending the second sentence of Subsection 174.46.H.(4) to read as follows:

“The maximum number of units so transferred shall be determined by reference to the incentive bonus provisions contained in §174-46.D. and shall include the requirement for permanently deed-restricted affordable units and the resulting additional bonus units.”

and by amending Section 174-45.1. Commercial Centers by amending the second sentence of Subsection 174-45.1.G. to read as follows:

“These may include any uses allowed within the zoning district, as well as any residential units, including the required 10% permanently deed-restricted affordable units and any resulting bonus units, transferred under the provisions of Subsection 174-46.H.(4).

Or take any other action relating thereto.

Submitted by the Planning Board

Explanation: This article would amend the Open Space Incentive Development Bylaw and the Commercial Center Bylaw to require that 10% of housing units be affordable, with an additional housing unit allowed for each of such affordable units created. This would bring those bylaws into conformity with the current affordable housing requirements of the cluster subdivision bylaw.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 5-0; 2 absent.

At its meeting on October 2, 2013, the Planning Board voted 3-0 to recommend approval of Article 21 as printed in the warrant.

Motion made by Selectman John Cahalane.

Motion: I move Article 21 be approved as printed in the Warrant, with the exception of the phrase “or take any other action relating thereto.”

Motion made and passed to dispense with reading of article at 8:15 PM.

Motion passes unanimously at 8:15 PM.

Article 22

To see if the Town will vote to amend the Zoning Bylaw as follows:

Add the following Subsection 174-25.H.(13) to the Table of Use Regulations:

“(13) Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary, subject to the provisions of 105 CMR 725.000 and the provisions of Subsection 174-24.J. and other relevant sections of this bylaw.”

and indicate by the letters SP in the I-1 column of said table that said use is allowed by special permit in the I-1 Industrial Zoning District.

Delete the current language of Subsection 174-24.J. and replace it with the following:

“J. Medical Marijuana Treatment Center / Registered Marijuana Dispensary

By vote at the State Election on November 6, 2012, the voters of the Commonwealth approved Ballot Question 3 authorizing legislation regulating the cultivation, distribution, possession and use of marijuana for medical purposes and the establishment of Medical Marijuana Treatment Centers. Said law became effective on January 1, 2013.

The Commonwealth has adopted regulations implementing said law under 105 CMR 725.000. Subsection 725.004 defines a Medical Marijuana Treatment Center as “a not-for-profit entity registered under 105 CMR 725.000, to be known as a registered marijuana dispensary (RMD) that acquires, cultivates, possesses (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), processes, transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.” An MIP as defined by Subsection 725.004 is a “Marijuana-Infused Product” meaning “a product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures.” 105 CMR 725.100(A)(4) also provides that an RMD may have two locations if marijuana will be cultivated or MIPs will be prepared at any location other than the dispensing location of the proposed RMD.

105 CMR 725.000 contains additional definitions and regulations relative to the registration, establishment, operations and regulations of such Centers / Dispensaries, as well as “hardship cultivation registration” by the Massachusetts Department of Public Health. Nothing in this Chapter is intended to regulate or prohibit uses or activities under a “hardship cultivation registration”.

105 CMR 725.600 provides that a RMD shall comply with all local rules, regulations, ordinances, and bylaws and that nothing in 105 CMR 725.000 shall be construed so as to prohibit lawful local oversight and regulations, including fee requirements, that does not conflict or interfere with the operation of 105 CMR 725.000. Pursuant to those provisions, the following standards shall apply to Medical Marijuana Treatment Centers / Registered Marijuana Dispensaries proposed for approval under this Zoning Bylaw.

1. Any such Center / Dispensary shall require approval of a special permit for said use, pursuant to the provisions of Section 174-24. Any application for such special permit shall include all plans and other materials required under Section 174-24 and under the special permit regulations adopted by the applicable special permit granting authority, including a detailed floor plan of the premises that identifies the square footage available and describes the functional areas of the Center / Dispensary and, if applicable, such information for the single allowable off-premises location, if

located in Mashpee, where marijuana will be cultivated or MIPs will be prepared. If two locations are involved, both shall be located in an I-1 Industrial Zoning District and each shall require a separate special permit. The special permit granting authority for a second location where marijuana will be cultivated or MIPs will be prepared shall be based on the size of the facility, as provided in Section 174-24.C.1.

2. If the Center / Dispensary is proposed to be located in an existing building or commercial center, a separate special permit shall be required for said Center / Dispensary, in addition to that previously approved for the building or commercial center, which may also serve as a modification of the previously-approved special permit. In such situations, the special permit granting authority which approved the most recent special permit, if any, for the existing building or commercial center, shall be the special permit granting authority for the proposed Center / Dispensary.

3. Any such Center / Dispensary shall not be located within 500 feet of a public or private kindergarten, primary or secondary school, a place of worship, a day nursery, nursery school, etc. as listed in Subsection 174.25.B.(10) or a public park or playground. No other specific separation requirements will apply.

4. Any such Center / Dispensary shall be compliant with requirements of the Americans with Disabilities Act (ADA) Accessibility Guidelines and the regulations of the Massachusetts Architectural Access Board.

5. No such Center / Dispensary may be approved for operation, or remain in operation, without a certificate of registration issued by the Massachusetts Department of Public Health. Should said certificate not be renewed, or be revoked, the special permit shall lapse and the Center / Dispensary shall be closed forthwith. The certificate of registration shall be posted in a conspicuous location inside the premises at each approved location.

6. Any such Center / Dispensary shall be compliant at all times with the security measures required by 105 CMR 725.000. A description of such measures, including any updates, shall be provided to the Mashpee Police Department, along with after-hours contact information. Security measures shall be implemented to deter and prevent unauthorized entrance into areas containing marijuana and theft of marijuana, and to protect the premises, registered qualifying patients, personal caregivers, and dispensary agents of the Center / Dispensary. Security measures shall include sufficient lighting of the outside perimeter of the Center / Dispensary to facilitate surveillance. In addition, notwithstanding any other provisions of this Chapter regarding required landscaping or vegetated buffers, trees, bushes and other foliage located on the site outside the Center / Dispensary shall be located (or removed) so they do not allow for a person or persons to conceal themselves from sight within fifty (50) feet of any entrance or of any parking space designated to be utilized by registered qualifying patients, personal caregivers, and dispensary agents of the Center / Dispensary.

7. Storage of marijuana shall be in compliance with 105 CMR 725.105(D) and cultivation, production, preparation, transport or analysis shall be done in a manner to prevent diversion, theft or loss. All phases of the cultivation of marijuana shall take place in designated, locked, limited access areas that are monitored by a surveillance camera system in accordance with 105 CMR 725.110(D)(1)(d)-(i). Inside the Center / Dispensary, all marijuana and MIPs shall be kept in a limited access area inaccessible to any persons other than dispensary agents, with the exception of displays allowable under 105 CMR 725.105(L)(10). Inside the Center / Dispensary, all marijuana

shall be stored in a locked, access-controlled space in a limited access area during non-business hours.

8. Any such Center / Dispensary shall adopt emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies, copies of which shall be filed with the Mashpee Police and Fire Departments.

9. External signage shall not be illuminated except for a period of 30 minutes before sundown until closing, and shall comply with the provisions of Article X of this bylaw, except that only one building sign and one freestanding sign shall be allowed, neither of which may exceed ten (10) square feet in signboard area (freestanding sign may be two-sided, with each side limited to ten square feet, or may be included in a ladder sign or similar sign identifying the business within a multi-tenant property). Neon or other internally-lit signage is prohibited at all times. Pursuant to 105 CMR 725.000, signage may only identify the Center / Dispensary by its Mass. DPH registered name and there shall be no display on the exterior of the facility of any advertisements for marijuana or any brand name, nor any graphics related to marijuana or paraphernalia.

10. Marijuana, MIPs and associated products shall not be displayed or clearly visible to a person from the exterior of the Center / Dispensary. No more than one sample of each product offered for sale may be displayed in secure, locked cases, which may be transparent, in the interior of the Center / Dispensary.

11. Parking requirements for a Center / Dispensary shall be those applicable to retail establishments for that portion of the floor designated for sales, and to manufacturing or other industrial buildings for floor area designated for storage or for cultivation of marijuana or preparation of MIPs.”

Or take any other action relating thereto.

Submitted by the Planning Board

Explanation: This article defines permitting requirements and standards for Medical Marijuana Treatment Centers, also known as Registered Marijuana Dispensaries, which are consistent with the regulations adopted for such facilities by the Massachusetts Department of Public Health. Such facilities would be allowed only by special permit in I-1 Industrial Zoning Districts.

Board of Selectmen recommends approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 5-0; 2 absent.

At its meeting on October 2, 2013, the Planning Board voted 3-0 to recommend approval of Article 22 as printed in the warrant.

Motion made by Selectman Michael Richardson.

Motion: I move Article 22 be approved as printed in the Warrant, with the exception of the phrase “or take any other action relating thereto.”

Motion made and passed to dispense with reading of article at 8:15 PM.

Motion passes unanimously at 8:16 PM.

Town meeting adjourned at 8:16 PM